

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

VINICIO JESUS GARCIA,
#01828198,

Petitioner,

v.

DIRECTOR, TDCJ-CID,

Respondent.

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No. 3:20-CV-3121-X-BT

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE
JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. [Doc. No. 24]. The Magistrate Judge concluded that Vinicio Garcia’s due-process claims concerning changes to his “conditions of confinement . . . do not implicate the protections afforded by the Due Process Clause” and that his due-process claims relating to his loss of good time credit fail because he is “ineligible for release to mandatory supervision” and thus lacked a “liberty interest in lost good time.”¹ Garcia objects on two grounds.

First, he asserts that, contrary to the Magistrate Judge’s findings, he has filed a grievance “in connection with his disciplinary case.”² But the Magistrate Judge’s recommendation of dismissal didn’t hinge on Garcia’s failure to file a grievance.

¹ Doc. No. 24 at 3, 5.

² Doc. No. 25 at 1.

Second, he cites the Magistrate Judge’s initial statement concerning the conditions-of-confinement aspect of Garcia’s claim, averring that the Magistrate Judge “omits the 180 days good time lost.”³ But it’s Garcia who omits to mention that the Magistrate Judge devoted an entire section of the recommendation to Garcia’s “lost 180 days of good time credit”—it’s just a different section than the one he cites.⁴ And Garcia doesn’t object to that part of the Magistrate Judge’s recommendation.

Accordingly, the Court reviewed *de novo* those portions of the proposed findings, conclusions, and recommendation to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge. Accordingly, considering the record in this case and pursuant to Federal Rule of Appellate Procedure 22(b) and Rule 11(a) of the Rules Governing Section 2254 Proceedings in the United States District Court, and 28 U.S.C. § 2253(c), the Court **DENIES** a certificate of appealability.

IT IS SO ORDERED this 16th day of February, 2023.

A handwritten signature in black ink, appearing to read "Brantley Starr", is written over a horizontal line.

BRANTLEY STARR
UNITED STATES DISTRICT JUDGE

³ *Id.*

⁴ Doc. No. 24 at 4.